

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

UNITED STATES OF AMERICA,)	Civil Action No. 9:15-cv-4720-RMG
)	
Plaintiff,)	
)	
v.)	
)	
NICKEY MAXEY and)	
CYNTHIA MAXEY,)	
)	
Defendants.)	
_____)	

COMPLAINT

1. The United States of America brings this civil action to reduce to judgment the unpaid joint federal income tax liability assessed against Defendants NICKEY and CYNTHIA MAXEY for the tax year 2004.
2. This action is brought at the direction of the Attorney General of the United States and at the request and with the authorization of Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of Treasury, pursuant to 26 U.S.C. § 7401.
3. This Court has jurisdiction over this action under 28 U.S.C. §§ 1340 and 1345 and 26 U.S.C. § 7402(a).
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1396 because Defendants reside in South Carolina and the taxes accrued there.
5. Nickey and Cynthia Maxey, after obtaining two extensions of time to file, timely filed their federal income tax return for the tax year 2004 on October 18, 2005.
6. The Maxeys' 2004 return reported \$168,392 in tax due for that year. Defendants did not remit payment with their return or have any tax withheld from their income during the tax

year. Rather, they claimed credit for U.S. Virgin Islands taxes in the amount of \$11,114, and reported an estimated tax payment in the amount of \$5,000 paid on or about January 15, 2005. The Service, after confirming that no payment was made by the Maxeys to the Virgin Islands Bureau of Internal Revenue for 2004, disallowed the credit.

7. On November 28, 2005, a delegate of the Secretary of the Treasury assessed federal income tax in the amount \$168,392, plus interest and penalties, against the Maxeys for the 2004 tax year as summarized in the following table:

Type of Assessment	Amount
Tax Assessed on Return	\$168,392.00
Estimated Tax Penalty	\$174.00
Failure to Pay Tax Penalty	\$6,535.68
Interest	\$6,485.97

8. A delegate of the Secretary of the Treasury properly gave notice to the Maxeys of the unpaid tax described above, and made demand for payment. Despite notice and demand for payment, the Maxeys have failed to pay the tax liability they owe, including interest and penalties thereon, for the 2004 tax year.
9. On November 26, 2007, the Service abated \$80,261 of the tax it assessed in November 2005 after defendants filed an amended tax return for 2005. Neither that abatement, nor Defendants' subsequent payments, have satisfied their tax liability for 2004.
10. As of November 1, 2015, including accrued interest and penalties, the Maxeys owe \$87,906.01 for their 2004 federal income tax liability, plus further interest and statutory additions thereon as allowed by law.

WHEREFORE, the plaintiff, United States of America, prays that the Court determine and adjudge:

- A. That Defendant Nickey and Cynthia Maxey are indebted to the United States of America for their 2004 federal income tax liability in the amount of \$87,906.01 as of November 1, 2015, plus interest and statutory additions thereafter as provided by law; and
- B. that the United States of America have its costs and such other and further relief as the Court may deem just and proper.

Dated: November 23, 2015

Respectfully submitted,

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-and-

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